



**PROPRIETARY MATERIAL NOT OPEN TO PUBLIC. TO BE OPENED ONLY  
BY EXAMINER OR OTHER AUTHORIZED PATENT AND  
TRADEMARK OFFICE EMPLOYEE.**

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Kathleen K. MARTIN

Title: PROPHYLACTIC DEVICE

Appl. No.: 10/724,864

Filing Date: 12/02/2003

Examiner: Unassigned

Art Unit: 3764

**TRANSMITTAL LETTER FOR PROPRIETARY INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. §1.56, 37 C.F.R. §1.97, and M.P.E.P. §724.02**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Attached hereto is a Proprietary Information Disclosure Statement submitting proprietary information to the Patent and Trademark Office in accordance with the requirements of 37 C.F.R. §1.56, 37 C.R.R. §1.97, and MPEP § 724.02. Applicant respectfully requests that the information be considered only by the Examiner in charge of the above-captioned application, or other authorized Patent and Trademark Office employee.

Respectfully submitted,

Date April 16, 2004

By Mary Michelle Kile

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5428  
Facsimile: (202) 672-5399

Mary Michelle Kile  
Attorney for Applicant  
Registration No. 35,217



**PROPRIETARY MATERIAL NOT OPEN TO PUBLIC.  
TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED  
PATENT AND TRADEMARK OFFICE EMPLOYEE**

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Kathleen K. MARTIN  
Title: PROPHYLACTIC DEVICE  
Appl. No.: 10/724,864  
Filing Date: 12/2/2003  
Examiner: Unassigned  
Art Unit: 3764

**PROPRIETARY INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.56 AND MPEP §§ 724**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant considers the documents listed on the attached Form PTO/SB/08 and the disclosure of their existence to constitute proprietary information. Accompanying this Proprietary Information Disclosure Statement is a transmittal letter indicating that the materials contained herein are proprietary, as required by MPEP § 724.02.

This Information Disclosure Statement is not intended as an admission either that the listed documents constitute prior art against the claims of the present application or that the listed documents are material to patentability as defined in 37 C.F.R. § 1.56(b). Applicant does not waive the right to take appropriate action to antedate the listed documents, or prior art cited with respect to such documents, that do not constitute a statutory bar and that are applied against the claims of the present application, or to otherwise remove such documents as competent references.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits. No fee is due.

Document B4 was printed by applicant at a date presently undetermined, but not later than the effective filing date of the present application.

Applicant respectfully requests that the listed documents be considered by the Examiner, but that such documents be treated as proprietary information in accordance with M.P.E.P. §724.

Applicant respectfully requests that the Examiner consider the foregoing information and provide in the next official communication the information set forth in MPEP § 724.04(a), particularly the information under item (D), so that the applicants can, if appropriate, subsequently file a petition to expunge those materials, as provided according to MPEP § 724.05.

Respectfully submitted,

Date April 16, 2004

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5428  
Facsimile: (202) 672-5399

By Mary Michelle Kile

Mary Michelle Kile  
Attorney for Applicant  
Registration No. 35,217

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

April 16, 2004

(Use as many sheets as necessary)

Sheet 1 of 1

## Complete if Known

Application Number	10/724,864
Filing Date	December 2, 2003
First Named Inventor	Kathleen Martin
Group Art Unit	3764
Examiner Name	Unassigned
Attorney Docket Number	036762-0103

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	B1	The Zebra Foundation, Brochure, August 18, 2003, 7 pgs., Zebra Foundation, Inc., Laytonville, California.	
	B2	Introducing ZEBRAS: A New Woman's All-Latex Condom, Brochure, July 2003, 1 pg. (double sided), Zebra Foundation, Inc., Laytonville, California.	
	B3	The Zebra Woman's Condom Program, Program Overview, July 2003, 4 pgs., Zebra Foundation, Inc., Laytonville, California.	
	B4	Rear Guard, Brochure, 1 pg., Zebra Foundation, Inc., Laytonville, California.	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.